

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1080
67th Legislature
2021 Regular Session

For Major Projects

NEW SECTION. **Sec. 7005.** (1) The legislature finds that use of life-cycle cost analysis will aid public entities, architects, engineers, and contractors in making design and construction decisions that positively impact both the initial construction cost and the ongoing operating and maintenance cost of a project. To ensure that the total cost of a project is accounted for and the most reasonable and cost efficient design is used, agencies shall develop life-cycle costs for any construction project over \$10,000,000. The life-cycle costs must represent the present value sum of capital costs, installation costs, operating costs, and maintenance costs over the life expectancy of the project. The legislature further finds the most effective approach to the life-cycle cost analysis is to integrate it into the early part of the design process.

(2) Agencies must develop a minimum of three project alternatives for use in the life-cycle cost analysis. These alternatives must be both distinctly different and viable solutions to the issue being addressed. Agencies must choose the most reasonable and cost-effective solution, as supported by the life-cycle cost analysis. A brief description of each project alternative and why it was chosen must be included in the life-cycle cost analysis section of the predesign.

(3) The office of financial management shall: (a) Make available a life-cycle cost model to be used for analysis; (b) in consultation with the department of enterprise services, provide assistance in using the life-cycle cost model; and (c) update the life-cycle cost model annually including assumptions for inflation rates, discount rates, and energy rates.

(4) Agencies shall consider architectural and engineering firms' and general contractors' experience using life-cycle costs, operating costs, and energy efficiency measures when selecting an architectural and engineering firm, or when selecting contractors using alternative contracting methods.

END OF SECTION

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NEW SECTION. **Sec. 7010.** (1) Any building project that receives over \$10,000,000 in funding from the capital budget must be built to sustainable standards. "Sustainable building" means a building that integrates and optimizes all major high-performance building attributes, including energy efficiency, durability, life-cycle performance, and occupant productivity, and minimizes greenhouse gas emissions. The following design and construction attributes must be integrated into the building project:

(a) Employ integrated design principles: Use a collaborative, integrated planning and design process that initiates and maintains an integrated project team in all stages of a project's planning and delivery. Establish performance goals for siting, energy, water, materials, and indoor environmental quality along with other comprehensive design goals and ensures incorporation of these goals throughout the design and life-cycle of the building. Consider all stages of the building's life-cycle, including deconstruction.

(b) Commissioning: Employ commissioning practices tailored to the size and complexity of the building and its system components in order to verify performance of building components and systems and help ensure that design requirements are met. This should include an experienced commissioning provider, inclusion of commissioning requirements in construction documents, a commissioning plan, verification of the installation and performance of systems to be commissioned, and a commissioning report.

(c) Optimize energy performance: Establish a whole building performance target that takes into account the intended use, occupancy, operations, plug loads, other energy demands, and design to earn the ENERGY STAR targets for new construction and major renovation where applicable. For new construction target low energy use index. For major renovations, target reducing energy use by 50 percent below pre-renovations baseline.

(d) On-site renewable energy: Implement renewable energy generation projects on agency property for agency use, when life-cycle cost effective.

(e) High-efficiency electric equipment: Use only high-efficiency electric equipment for water and space heating needs not met through on-site renewable energy, when life-cycle cost effective.

(f) Measurement and verification: For buildings over 50,000 square feet, install building level electricity meters in new major construction and renovation projects to track and continuously optimize performance. Include equivalent meters for natural gas and steam, where natural gas and steam are used. Where appropriate, install dashboards inside buildings to display and incentivize occupants on energy use.

(g) Benchmarking: Compare performance data from the first year of operation with the energy design target. Verify that the building performance meets or exceeds the design target. For other building and space types, use an equivalent benchmarking tool.

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NEW SECTION. **Sec. 7012.** Executive Order No. 21-02, archaeological and cultural resources, was issued effective November 1210, 2005. Agencies shall comply with the requirements set forth in this executive order and must consult with the department of archaeology and historic preservation and affected tribes on the potential effects of projects on cultural resources and historic properties proposed in state-funded construction or acquisition projects, including grant or pass-through funding that culminates in 18construction or land acquisitions. Consultation with the department of archaeology and historic preservation and affected tribes must be initiated early in the project planning process, prior to construction or taking title.

END OF SECTION



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

EXECUTIVE ORDER 21-02
ARCHAEOLOGICAL AND CULTURAL RESOURCES

WHEREAS, Washington has a rich and diverse cultural heritage, as represented by the numerous archaeological and historic sites that have been identified and located throughout our state; and

WHEREAS, Native American sacred places and landscapes are foundational to the identity and spiritual practices of Washington's tribal nations; and

WHEREAS, preservation and protection of these sites provides educational and cultural values for all citizens and leads to better understanding between cultures of our shared history; and

WHEREAS, many people contribute their time and efforts to preserve and protect Washington's unique archaeological and historic archaeological sites, historic buildings, and traditional cultural places; and

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WHEREAS, many people contribute their time and efforts to preserve and protect Washington's unique archaeological and historic archaeological sites, historic buildings,

WHEREAS, the Department of Archaeology and Historic Preservation (DAHP) and the Governor's Office of Indian Affairs (GOIA) share statewide responsibility for enhancing the public's awareness of the need and value of protecting Washington's heritage and establishing effective consultation with Native American tribal governments.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the power vested in me by the Constitution and statutes of the state of Washington, do hereby order the following for all Executive Branch and Small Cabinet agencies within my administration:

1. Agencies shall consult with DAHP and affected tribes on the potential effects of projectson cultural resources proposed in state-funded construction or acquisition projects that will not undergo Section 106 review under the National Historic Preservation Act of 1966 (Section 106), including grant or pass-through funding that culminates in construction or land acquisitions, to determine potential effects to cultural resources.
2. Agency should initiate consultation with DAHP and affected tribes early in the project planning process and must complete it prior to the expenditure of any state funds for construction, demolition or acquisition.
3. State agencies shall take all reasonable action to avoid, minimize or mitigate adverse effects to archeological and historic archaeological sites, historic buildings/structures,traditional cultural places, sacred sites or other cultural resources.
4. Consultation under this Executive Order may be delegated to non-state recipients of state funds but the state agency shall retain the responsibility to ensure an adequate consultation process and will be responsible for holding all records related to the tribal consultation process. The agency will provide the records to DAHP to demonstrate completion of the tribal consultation process.
5. Should DAHP or the affected tribes notify an agency that an archaeological or historic archaeological site, historic building/structure or traditional/sacred place study is needed before a project may proceed, the agency must consult with DAHP and the affected tribesfor the purpose of seeking agreement on studies that must be completed prior to expenditure of any state funds for construction or purchase.
6. Should DAHP or the affected tribes identify a known archaeological or historic archaeological site, historic building/structure, cultural or sacred place that may be impacted by either direct or indirect effects of the proposed undertaking or activity, theagency must consult with DAHP and the affected tribes on avoidance strategies or methods to minimize

harm.

7. In the case of historic buildings/structures, the agency shall develop mitigation strategies in consultation with DAHP and if requested, affected tribes. For all other cultural resources including archaeological and historic archaeological sites or traditional and sacred places the agency may only develop mitigation strategies upon notifying DAHP and the affected tribes that avoidance cannot be attained.
8. Mitigation strategies for archaeological, cultural and sacred sites shall be identified through consultation with DAHP and the affected tribes.
9. In the event of a disagreement regarding the required consultations, or regarding the need or scope for archeological, ethnographic or cultural studies, the funding state agency, DAHP and/or GOIA shall meet with the Office of Financial Management policy and budget staff to identify an appropriate resolution.

The Office of Financial Management is directed to include in its budget and allotment instructions a requirement that agencies consult with DAHP and affected tribes, as appropriate, as part of the budget request and allotment process.

To the extent that they have not already received training, all appropriate state agency employees managing state-funded construction or acquisition projects, including grant or pass-through funding that culminates in construction or land acquisitions, will attend government-to-government training and cultural resource training provided by GOIA and DAHP.

I invite institutions of higher education, public schools, as well as other statewide elected officials, boards, commissions, and any other public agencies not within my administration to implement within their agencies the practices herein described.

This Order is effective immediately and shall supersede Executive Order 05-05, which is hereby rescinded.

Signed and sealed with the official seal of the state of Washington on this 7th day of April, AD., Two Thousand and Twenty-One, at Olympia, Washington.

Signed and sealed with the official seal of the state of Washington on this 7th day of April, AD., Two Thousand and Twenty-One, at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

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NEW SECTION. **Sec. 7014.** FOR THE ARTS COMMISSION—ART WORK

ALLOWANCE. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.2

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding \$200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.6

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.200 is provided solely for the purposes of 9RCW 43.17.200.10

(4) At least 80 percent of the moneys spent by the Washington state arts commission during the 2021-2023 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. Except for art allocations made under K-3 class size reduction grants under section 5030 of this act, art allocations not expended within the ensuing two biennia will lapse. The commission may use up to \$200,000 of this amount to conserve or maintain existing pieces in the state art collection.

END OF SECTION